

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

355A0757

HOUSE BILL NO. 1235

Introduced by: Representative Munson (Donald)

1 FOR AN ACT ENTITLED, An Act to revise the basis upon which motor vehicle license fees
2 are determined and to increase the fees.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 License fees and compensation on any noncommercial motor vehicle, which is an automobile,
7 pickup truck, or van as provided in § 32-5-5, of three thousand pounds or less shall be
8 determined by the manufacturer's model year as follows:

9 (1) First, second, and third model years, ninety dollars;

10 (2) Fourth, fifth, sixth, and seventh model years, sixty dollars;

11 (3) Eighth, ninth, tenth, and eleventh model years, forty-five dollars;

12 (4) Twelfth and any subsequent model year, thirty dollars.

13 Section 2. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 License fees and compensation on any noncommercial motor vehicle, which is an automobile,
16 pickup truck, or van as provided in § 32-5-5, of more than three thousand pounds shall be

determined by the manufacturer's model year as follows:

- (1) First, second, and third model years, one hundred twenty dollars;
- (2) Fourth, fifth, sixth, and seventh model years, ninety dollars;
- (3) Eighth, ninth, tenth, and eleventh model years, sixty dollars;
- (4) Twelfth and any subsequent model year, thirty dollars.

Section 3. That § 32-5-5 be amended to read as follows:

32-5-5. Subject to the provisions of §§ 32-5-17 to 32-5-45, inclusive, license fees and compensation for use of the highways, fees shall be based, except as otherwise specifically provided, upon manufacturers' weights, including accessories. If a noncommercial motor vehicle is an automobile, pickup truck, or van with a manufacturer's shipping weight, including accessories, of six thousand pounds or less, the license fees for such a motor vehicle shall be as provided by ~~§ 32-5-6~~ sections 1 and 2 of this Act. The license fees for motorcycles shall be as provided by § 32-5-9. The license fees for snowmobiles shall be as provided by § 32-5-9.1. The license fees for any other noncommercial motor vehicle shall be based on the gross weight of the motor vehicle as provided in § 32-5-6.3. If the department determines the actual dry weight of any model vehicle with accessories to be at variance with the manufacturers' shipping weight, the department shall certify the correct weight to be used in determining fees.

These fees shall be paid annually to the county treasurer, and shall be as provided by this chapter.

Section 4. That § 32-5-6.3 be amended to read as follows:

32-5-6.3. License fees on a noncommercial motor vehicle which is not an automobile, pickup truck, or van as provided by ~~§ 32-5-6~~ sections 1 and 2 of this Act shall be determined by the gross weight of the motor vehicle as defined by subdivision 32-9-1(6), and based on the following:

- (1) Eight thousand pounds or less, inclusive, forty-eight dollars;

- 1 (2) For each additional 2000 pounds or major fraction thereof from 8001 to 32,000
- 2 pounds, inclusive, three dollars;
- 3 (3) For each additional 2000 pounds or major fraction thereof from 32,001 to 54,000
- 4 pounds, inclusive, six dollars;
- 5 (4) For each additional 2000 pounds or major fraction thereof from 54,001 to 80,000
- 6 pounds, inclusive, eighteen dollars;
- 7 (5) For each additional 2000 pounds or major fraction thereof in excess of 80,000
- 8 pounds, twenty-four dollars.

9 It is a Class 2 misdemeanor for a person to operate a motor vehicle licensed pursuant to this

10 section at a gross weight in excess of the gross weight for which it has been licensed.

11 Section 5. That § 32-5-8 be amended to read as follows:

12 32-5-8. License fees and compensation for any noncommercial trailer and semitrailer, for use

13 of the highways payable under § 32-5-5 and pulled by a noncommercial motor vehicle on which

14 the license fees were paid pursuant to ~~§ 32-5-6~~ sections 1 and 2 of this Act, shall be determined

15 upon the basis of their actual weight as follows:

- 16 (1) One thousand pounds or less, inclusive, five dollars;
- 17 (2) From 1001 to 2000 pounds, inclusive, fifteen dollars;
- 18 (3) From 2001 to 3000 pounds, inclusive, twenty-five dollars;
- 19 (4) From 3001 to 4000 pounds, inclusive, thirty-five dollars;
- 20 (5) From 4001 to 5000 pounds, inclusive, forty-five dollars;
- 21 (6) From 5001 to 6000 pounds, inclusive, fifty-five dollars;
- 22 (7) From 6001 to 7000 pounds, inclusive, sixty-five dollars;
- 23 (8) From 7001 to 8000 pounds, inclusive, seventy-five dollars;
- 24 (9) From 8001 to 9000 pounds, inclusive, eighty-five dollars;
- 25 (10) From 9001 to 10,000 pounds, inclusive, ninety-five dollars;

(11) For each additional 1000 pounds or major fraction thereof, in excess of 10,000 pounds, ten dollars.

Any trailer or semitrailer licensed pursuant to this section may be pulled by a noncommercial motor vehicle licensed pursuant to § 32-5-8.1 or a commercially licensed motor vehicle if the motor vehicle is registered at a gross weight to cover the weight of the trailer and its load.

Section 6. That § 32-5-8.3 be amended to read as follows:

32-5-8.3. A noncommercial motor vehicle licensed pursuant to ~~§ 32-5-6~~ sections 1 and 2 of this Act may pull a trailer or semitrailer with an identification plate issued pursuant to § 32-5-8.1 if the operator of the noncommercial motor vehicle has a temporary vehicle operating permit. The permit shall be issued by the county treasurer for a period of five to fifteen consecutive days. The fee for the permit is one dollar per day. The permit shall be good for the number of days for which issued including the day on which issued.

Section 7. That § 32-5-108 be amended to read as follows:

32-5-108. Any resident veteran owner of a motor vehicle who has received the United States Veterans Administration K Award, meets the qualifications established by Public Law 187 of the Eighty-second Congress for a veteran to receive an automobile, or a veteran who has been rated as in receipt of a statutory benefit for loss or loss of use of one or more extremities, or a veteran who receives a veteran's allotment for total disability under compensation which is considered a service-connected injury, upon application to the department shall receive a set of distinct license plates in addition to a set of regular number license plates. The distinctive plates shall be displayed as set forth in § 32-5-98 and the number plates shall be kept on or in the motor vehicle. The design of the license plate shall consist of a white background bordered on the left by a blue field with white stars and on the right by alternating red and white stripes. The words "Disabled Veteran" shall be inscribed on the plate in blue, in at least ten point bold type. The license plate shall be reflectorized and validated each year with a sticker in the same manner as a

1 noncommercial license plate. License fees for the distinctive plates and the regular number plates
2 shall be ten dollars for both and ten dollars for the renewal stickers. No license fee or sticker fee
3 pursuant to ~~§ 32-5-6~~ sections 1 and 2 of this Act may be charged to the veteran. The fees shall
4 be deposited in the license plate special revenue fund.

5 In order to qualify for a special license plate pursuant to this section, a veteran shall, in
6 addition to meeting the qualifications established in the first paragraph, have incurred his
7 disabling injuries while serving the United States in active duty during a time of war or while
8 participating in a military mission involving armed conflict. If it is determined that the veteran
9 owner does not qualify for the distinctive plates or if the veteran owner dies, the plates shall be
10 surrendered to the county treasurer of applicant's residence. The treasurer shall notify the
11 secretary who shall make the necessary changes in the registration file. The regular number plates
12 shall remain with the motor vehicle to which they were issued. Failure to surrender the distinctive
13 license plates as required by this section is a Class 2 misdemeanor.

14 Section 8. That § 32-5-109 be amended to read as follows:

15 32-5-109. Any resident of this state who was a prisoner of war while serving in the United
16 States Armed Forces and who received an honorable discharge from the United States Armed
17 Forces is eligible to apply to the secretary for special motor vehicle license plates if he has first
18 complied with all laws of this state in obtaining standard motor vehicle license plates. Each
19 application shall be on a form prescribed by the secretary and shall include certification of the
20 applicant's prisoner of war status from the United States Veterans Administration. The applicant
21 shall pay a ten dollar fee and shall receive both distinctive plates and regular number plates. The
22 regular number plates shall be kept on or in the motor vehicle, and the distinctive plates shall be
23 displayed as set forth in § 32-5-98. A fee of ten dollars shall be paid for the renewal stickers. No
24 registration fee or sticker fee may be charged to the applicant pursuant to ~~§ 32-5-6~~ sections 1
25 and 2 of this Act. The fees shall be deposited into the license plate special revenue fund. Upon

1 approval of the application, the secretary shall issue the license plates which shall be numbered
2 consecutively, beginning with the number one, and the number shall be preceded by the letters
3 POW. If it is determined that an applicant does not qualify for the distinctive plates or if the
4 applicant dies, the plates shall be surrendered to the county treasurer of the applicant's residence.
5 The treasurer shall notify the secretary who shall make the necessary changes in the registration
6 file. The regular number plates shall remain with the motor vehicle to which they were issued.
7 Failure to surrender the distinctive license plates as required by this section is a Class 2
8 misdemeanor.

9 Section 9. That § 32-5-109.1 be amended to read as follows:

10 32-5-109.1. Any resident of this state who was serving in the United States Armed Forces
11 and survived the attack at Pearl Harbor, Hawaii, on December 7, 1941, and who received an
12 honorable discharge, may apply to the secretary for special motor vehicle license plates. Each
13 application shall be on a form prescribed by the secretary and shall include such information as
14 the secretary may require. The applicant shall pay a ten dollar fee and shall receive both
15 distinctive plates and regular number plates. The regular number plates shall be kept on or in the
16 motor vehicle, and the distinctive plates shall be displayed as set forth in § 32-5-98. A fee of ten
17 dollars shall be paid for the renewal stickers. No registration fee or sticker fee may be charged
18 to the applicant pursuant to ~~§ 32-5-6~~ sections 1 and 2 of this Act. The fee shall be deposited into
19 the license plate special revenue fund. Upon approval of the application, the secretary shall issue
20 the license plates. The license plates shall be numbered consecutively beginning with number one
21 and contain a symbol to be determined by the secretary indicating that the owner of the vehicle
22 is a Pearl Harbor Survivor. If it is determined that an applicant does not qualify for the distinctive
23 plates or if the applicant dies, the plates shall be surrendered to the county treasurer of the
24 applicant's residence. The treasurer shall notify the secretary who shall make the necessary
25 changes in the registration file. The regular number plates shall remain with the motor vehicle

1 to which they were issued.

2 Section 10. That § 32-5B-20 be amended to read as follows:

3 32-5B-20. There is hereby imposed a tax of four and one-half percent upon the gross receipts
4 of any person renting motor vehicles for twenty-eight days or less. This provision applies to all
5 vehicles registered in accordance with § 32-5-6. Any rental vehicle not licensed in accordance
6 with ~~§ 32-5-6~~ sections 1 and 2 of this Act is subject to the motor vehicle excise tax in § 32-5B-1.

7 The tax imposed by this section is in addition to any tax levied pursuant to chapters 10-45
8 or 10-46 upon the rental of a rental vehicle. The provisions of chapter 10-45 apply to the
9 administration and enforcement of the tax imposed by this section. The tax imposed by this
10 section is in lieu of the tax levied by § 32-5B-1 on the sales of such motor vehicles. A violation
11 of this section is a Class 1 misdemeanor.

12 Section 11. That § 32-5-6 be repealed.

13 ~~32-5-6. License fees and compensation on a noncommercial motor vehicle which is an~~
14 ~~automobile, pickup truck or van as provided by § 32-5-5, shall be determined by the~~
15 ~~manufacturer's shipping weight, including accessories, as follows:~~

16 ~~——(1) Two thousand pounds or less, inclusive, twenty dollars;~~

17 ~~——(2) From 2001 to 4000 pounds, inclusive, thirty dollars;~~

18 ~~——(3) From 4001 to 6000 pounds, inclusive, forty dollars;~~

19 ~~——(4) to (11) Repealed by SL 1992, ch 26, § 7.~~

20 Section 12. That § 32-5-30 be repealed.

21 ~~32-5-30. If any noncommercial motor vehicle, according to the manufacturer's model year~~
22 ~~designation, is five years old or more on January first of the year for which a license fee is~~
23 ~~required, such fee shall be seventy percent of the fee ordinarily prescribed.~~